

ORIGINAL  
FILE

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

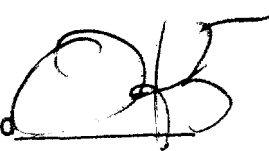
In the Matter of ) GEN Docket No. 90-314  
 ) ET Docket No. 92-100  
 )  
 ) RM-7140, RM-7175, RM-7617,  
 ) RM-7618, RM-7760, RM-7782,  
 Amendment of the Commission's ) RM-7860, RM-7977, RM-7978,  
 Rules to Establish New Personal ) RM-7979, RM-7980  
 Communications Services )  
 ) PP-35 through PP-40, PP-79  
 ) through PP-85

**REPLY COMMENTS**

The South Carolina Public Service Commission (SCPSC) hereby submits its reply comments to the comments filed in the Notice of Proposed Rule Making and Tentative Decision in the captioned proceeding, 7 FCC Rcd 5676 (1992) (Notice). SCPSC is already a party to this proceeding, having filed reply comments to the Notice of Inquiry in GEN Docket No. 90-314.

In its earlier filing, SCPSC highlighted the demand for new wireless technologies and the importance of deploying Personal Communications Service (PCS) to the public. The continued broad participation in this proceeding by diverse interests indicates that such demand has not abated. In addition, the Federal Communication Commission's (FCC's) diligence in further defining the issues for PCS and in identifying spectrum for this service shows that progress is being made in bringing PCS to the public.

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## I. Definition of PCS

One of the first issues to consider in order to ensure the deployment of PCS to the public is the definition to be adopted for the service. If a proper definition is adopted, resolution of many of the regulatory issues, including regulatory status and eligibility, will become clear. The FCC proposed a broad definition of PCS that identifies it as a family of mobile or portable radio services that can be used for a wide variety of functions by individuals and businesses and that can be integrated with competing networks.<sup>1</sup>

A number of parties have advocated that a more specific definition for PCS be adopted.<sup>2</sup> Recommendations have been made that the definition embody the concept that PCS is a new competitive service offering and that it foster the development of new technology.<sup>3</sup> Otherwise, the FCC runs the risk of having only a "cellular-clone"<sup>4</sup> for this new service. The SCPSC sees significant merit in a definition for PCS that distinguishes it from other wireless services and urges the adoption of such definition.

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<sup>1</sup> Notice, para 29.

<sup>2</sup> See, e.g., Comments of the Public Service Commission of Wisconsin, pp. 4-6; BellSouth, pp. 2, 67; Rock Hill Telephone Company, pp. 2-3; South Carolina Telephone Association, pp. 1-3.

<sup>3</sup> See, e.g., Comments of Rock Hill Telephone Company, pp. 2-3; South Carolina Telephone Association, pp. 1-2.

<sup>4</sup> Comments of BellSouth, p. 67.

## II. Regulatory Status of PCS

A determination that PCS should be classified as a common carrier service, as opposed to private carrier service, received substantial support in the comments. The SCPSC earlier advocated that PCS be treated and regulated as such.<sup>5</sup> In the comments, the National Association of Regulatory Utility Commissioners (NARUC) analyzed PCS and the requirements of Section 332 of the Communications Act, and concluded that PCS must receive common carrier status.<sup>6</sup> The SCPSC concurs in this analysis and advocates that PCS be treated as a common carrier service.

In addition, the FCC raised the question of interconnection of PCS with the public switched telephone network.<sup>7</sup> It seems apparent that if PCS embodies a new technology by which to provide either local exchange service or a competitor with such service, then interconnection must be required. This interconnection should be reasonable in type and no less favorable than that offered by the local exchange carrier to any affiliate, another customer or any other carrier.<sup>8</sup>

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<sup>5</sup> Reply Comments of the SCPSC to the Notice of Inquiry in this proceeding filed on January 15, 1991.

<sup>6</sup> Comments of NARUC, pp. 7-11.

<sup>7</sup> Notice, paras. 99-103.

<sup>8</sup> Comments of the State of New York Department of Public Service, p. 16.

A number of parties have advanced comprehensive analysis to support the position that preemption of PCS is not warranted.<sup>9</sup> The SCPSC agrees with both this analysis and the conclusion, particularly when it can reasonably be projected that much of the service will be intrastate in nature.

### III. Eligibility for PCS

In the Notice, the FCC tentatively concluded that LECs should be allowed to provide PCS within their own exchange service areas,<sup>10</sup> citing the economies of scope between PCS and the LEC wireline network and the likelihood that LECs would develop wireline architecture in a "PCS friendly way."<sup>11</sup> Many parties to this proceeding, in addition to local exchange carriers, support LEC participation in PCS.<sup>12</sup>

The SCPSC continues to support full LEC participation in PCS, not only for the reasons advanced by the FCC in the Notice and the other parties' comments, but also for the reasons it advanced earlier in this proceeding.<sup>13</sup> Primary among those reasons is the

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<sup>9</sup> See Comments of NARUC, pp. 12-19; Public Service Commission of Wisconsin, pp. 4-7; State of New York Department of Public Service, pp. 17-19; Public Service Commission of the District of Columbia, p. 4.

<sup>10</sup> Notice, para 75.

<sup>11</sup> Id. at paras. 73-74.

<sup>12</sup> See, e.g., Comments of Illinois Commerce Commission, pp. 9-10; Pennsylvania Public Utility Commission, pp. 5-6; New York Department of Public Service, p.8; Chief Counsel for Advocacy of the Small Business Administration, p. 22.

<sup>13</sup> Reply Comments of the SCPSC to the Notice of Inquiry in this proceeding filed on January 15, 1991.

need for LECs to implement new technologies as they are developed that could become alternative means of providing local exchange services. This is necessary in order for LECs to fulfill their universal service goals. PCS is a technology that holds the potential for enhancing local exchange service and, as such, it should be available to LECs. In adopting its licensing provisions for PCS, the FCC should take such steps as are necessary to insure that the LECs are able to implement this technology and on a basis that allows them equal participation with other PCS participants. Another substantial reasons for allowing LEC participation in PCS is the deployment factor. Allowing LECs to provide PCS will assure that this technology is available in all areas of the country, both urban and rural.

In short, the record in this proceeding supports a finding that LEC participation in PCS would advance the Commission's PCS objectives of universality, speed of deployment, diversity and competitive delivery. These reasons are not diminished by a situation where a LEC also has cellular interests, particularly minority interests. Exclusion from PCS on this basis would be unfounded. The SCPSC believes that adequate safeguards can be applied to allay any legitimate concerns that have been raised about full LEC participation in PCS.

#### IV. Conclusion

The South Carolina Public Service Commission recognizes that the regulatory definition of PCS should distinguish it from other wireless services, that PCS should be classified as a common carrier service, that the intrastate aspects of the service should be regulated by the states, and that

local exchange carriers should be eligible to provide PCS,  
regardless of their cellular interests.

Respectfully submitted,

A handwritten signature in cursive script, reading "Marsha A. Ward", written over a horizontal line.

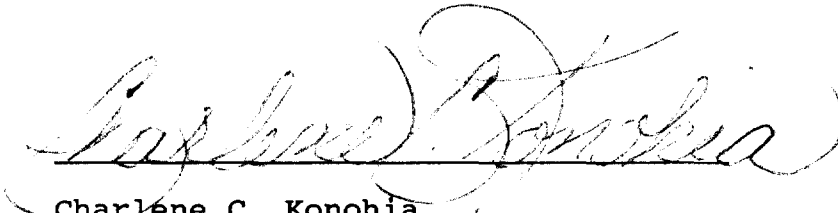
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January 8, 1993

CERTIFICATE OF SERVICE

I, Charlene C. Konohia, hereby certify that a copy of the foregoing Reply Comments of The South Carolina Public Service Commission was mailed, postage prepaid, first-class United States mail, this eighth day of January, 1993, to the parties on the attached list.



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